



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Sheriff-Coroner
Department No.: 032
For Agenda Of: July 16, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s) Bill Brown, Sheriff-Coroner (805) 681-4290
Contact Info: Ryan Sullivan, Custody Commander (805) 681-4326

SUBJECT: **Agreements with State of California Department of State Hospitals and California Health and Recovery Solutions, P.C. for Jail-Based Competency Restoration Services**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Sheriff or his designee to execute an Agreement (#24-79004-000) with the State of California Department of State Hospitals (DSH) accepting an amount not to exceed \$5,733,606.50 for the duration of the Agreement (July 1, 2024 through June 30, 2027) to provide a Jail-Based Competency Treatment (JBCT) program within the Sheriff’s Office Main Jail Facility;
- b) Delegate to the Sheriff or designee the authority to execute Contractor Certification Clauses (Attachment B), California Civil Rights Laws Attachment (Attachment C), Darfur Contracting Act Certification (Attachment D), and Generative Artificial Intelligence (GenAI) Disclosure & Fact Sheet (Attachment E) pursuant to the Agreement with DSH;
- c) Approve, ratify, and authorize the Chair to execute an Agreement with California Health and Recovery Solutions, P.C. (CHRS) for JBCT program services beginning July 1, 2024 through March 31, 2025, in an amount not to exceed \$1,036,461.75;
- d) Approve, ratify, and authorize the Chair to execute an Agreement with CHRS for Early Access Stabilization Services (EASS) beginning September 1, 2022 through March 31, 2025, to include cost reimbursement to the County for Custody services provided to support the EASS program in an amount not to exceed \$999,999.99;

- e) Approve, ratify, and authorize the Chair to execute a Memorandum of Understanding (MOU) between the County and CHRS for Early Access Stabilization Services (EASS) beginning September 1, 2022 through March 31, 2025; and
- f) Determine that the above actions are government fiscal activities or funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA guidelines.

Summary Text:

This item is before your Board to execute agreements with DSH and CHRS to provide competency restoration services within the jails. Recommended Actions A and B are an agreement with DSH to operate a JBCT program in which DSH provides funding to the County to provide competency restoration services. Recommended Action C is an agreement with CHRS, a subsidiary of Wellpath, to provide mental health professionals and administrative support to administer the JBCT program in the County jails. Recommended Actions D and E are an agreement and MOU with CHRS for EASS services. EASS is provided by CHRS with no cost to the County and the program allows the County to be reimbursed for Custody security services provided to support the restoration program within the jails. EASS has been provided to the County since September 2022, but without a formal contract or MOU. The Sheriff's Office is seeking approval to back-date the effective date of this contract and MOU in order to recoup revenue from CHRS for Custody security services that have been provided since the program began.

Background:

Pursuant to California Penal Code §1370, DSH is responsible for returning to competency individuals charged with a felony who have been found mentally incompetent to stand trial (IST). Defendants who are IST are committed to State hospitals for care and treatment in an effort to restore competency to a level that allows the defendant to assist with their defense and stand trial. As a result of high demand and limited hospital beds for treatment of defendants who are IST, DSH has sought to contract with county jails to add treatment capacity through the JBCT program as part of its continuum of care. The Sheriff's Office, in partnership with its contracted medical provider California Forensic Medical Group/Wellpath/CHRS (CFMG/Wellpath), operates a JBCT program within the Main Jail to treat 8-10 individuals at a time who have been declared IST. The Sheriff's Office and its contracted medical provider must adhere to strict program guidelines set forth by DSH in treating and restoring competency for individual offenders enrolled in the program, which is identified in DSH's Jail-Based Competency Treatment Programs Policies and Procedures Manual.

On August 18, 2020, your Board approved a contract with DSH to provide a JBCT program within the Sheriff's Main Jail facility with a capacity of 10 beds. Competency restoration services are provided to incarcerated persons who have been deemed IST. On August 18, 2020, your Board also approved a Second Amendment to an Agreement with CFMG/Wellpath to provide the JBCT and EASS restoration services. In 2022, Wellpath transitioned competency restoration services, including the JBCT and EASS programs, to CHRS, and continued to provide services to the County under the existing contract with Wellpath.

For JBCT services, DSH provides the County with funding based upon a daily bed rate per participant enrolled in JBCT. This funding was utilized to compensate Wellpath through June 2024 and will be used to compensate CHRS for the JBCT services they provide for this program. The JBCT program is administered by a psychologist who serves as the Program Director with additional full-time positions including a competency trainer, a mental health clinician and an administrative assistant with a part-time psychiatrist to oversee clinical care and medication management. This team works together to provide competency restoration services to the participants in the program. This funding from DSH provides some cost reimbursement for housing, food and clothing and also supports one Custody

Deputy, who is responsible for providing security during program hours within the housing unit and also serves as a member of the treatment team.

The JBCT program began at the Main Jail in November 2020 and has served 173 incarcerated persons through May 2024. As of the end of May 2024, 10 participants were still enrolled in JBCT with 163 having been discharged. Of those 163, 140 were restored while in JBCT with only 18 being transferred to DSH hospitals for restoration. Individuals that participate in the JBCT program remain on the list for DSH hospital placement, which is prioritized by commitment date by DSH's Patient Management Unit. Individuals that are restored to competency are removed from the DSH hospital waiting list and return to their court proceedings.

In September 2022, Wellpath began providing EASS at the Main Jail to incarcerated persons deemed IST prior to being admitted into a DSH program. In November 2022, Wellpath began providing EASS at the Northern Branch Jail facility. The goals of this program are to provide restoration services, therapeutic supports, medication management and other services in order to restore competency more quickly and also decrease the needs for DSH programs (JBCT, State hospitals). This program has served 182 individuals since inception through May 2024. Each individual who participates in EASS maintains their position on the waiting list for admission to a DSH hospital or JBCT program while participating in restoration services. This program has restored competency for 25 participants. These 25 participants were restored to competency prior to being admitted into a DSH hospital or JBCT program, which allows those programs to serve clients who need more intensive competency restoration services. This program is provided by CHRS at no charge to the County, as CHRS contracts directly with DSH to provide these services to California counties. CHRS will reimburse the County up to \$200,000 per year per jail facility in which this program operates for Custody services to provide Custody Deputies to escort EASS staff and facilitate inmate movement. For the duration of this Agreement, the County is anticipated to be reimbursed \$999,999.99 for the period of September 1, 2022 through March 31, 2025. The effective date of these agreements is backdated to allow the County to recoup revenue from CHRS for Custody security services provided throughout the duration of the program.

Performance Measure:

JBCT program outcomes are measured and analyzed by DSH. The JBCT program has reduced both wait times for competency restoration services and competency restoration times. Through May 2024, the average number of days to restoration from admission into the JBCT program has been 62 days, with just under 86% of participants (140 out of 163) restored through the program. Prior to program inception, it was not uncommon to experience patient wait times for restoration services that exceeded six months.

The EASS program has served 182 participants, with 25 participants restored from September 2022 through May 2024. Although 25 restorations out of 182 participants appears to be a small percentage (under 14%), the average number of days participants spent in the program is less than 30 days (29.6). Such a short duration is often not enough time to restore competency to program participants. Individuals restored within EASS reduce the need and wait list for individuals awaiting placement at DSH hospitals or JBCT programs. Within the first year of the program, the average number of days a participant spent on the waitlist for the EASS program decreased from 96 days to 2.3 days.

Contract Renewals and Performance Outcomes:

The combination of these programs has significantly decreased the overall wait times and time spent between being deemed IST and being restored for the majority of participants. With the addition of these ten JBCT beds as well as other efforts by DSH, the wait time for restoration program enrollment has been decreased by more than half, to an average of less than 75 days. The reduction of both wait

and restoration times results in improved patient outcomes, increased court efficiencies and decreases the costs of confinement and adjudication.

Fiscal and Facilities Impacts:

Budgeted: Partially

Fiscal Analysis:

| Financial Agreement Summary - JBCT | | | |
|---|-----------------------|---|---|
| | Revenue from CA DSH | Annualized Expenditure to CHRS for JBCT | Anticipated Offset of Other Sheriff's Costs |
| FY 2022-23 | \$1,527,279.00 | \$974,201.53 | \$553,077.47 |
| FY 2023-24 | \$1,800,602.74 | \$1,229,703.00 | \$570,899.74 |
| FY 2024-25 | \$1,855,308.50 | \$1,381,949.00 | \$472,359.50 |
| FY 2025-26 | \$1,910,642.50 | TBD | TBD |
| FY 2026-27 | \$1,967,655.50 | TBD | TBD |
| Total | \$9,058,488.24 | TBD | TBD |

| Financial Agreement Summary - EASS | | | |
|---|--|--|--|
| | Anticipated Revenue from CHRS for Custody Services (Main Jail) | Anticipated Revenue from CHRS for Custody Services (NBJ) | Anticipated Reimbursement of Sheriff's Costs |
| FY 2022-23 | \$166,666.66 | \$133,333.33 | \$299,999.99 |
| FY 2023-24 | \$200,000.00 | \$200,000.00 | \$400,000.00 |
| FY 2024-25 | \$150,000.00 | \$150,000.00 | \$300,000.00 |
| Total | \$516,666.66 | \$483,333.33 | \$999,999.99 |

Narrative: Recommended Actions A and B would provide State funding of up to \$1,855,308.50 for FY 2024-25 and up to \$5,733,606.50 for the duration of the Agreement (through FY 2026-27) to the Sheriff's Office to continue to operate the JBCT program. Recommended Action C would compensate CHRS in an amount not to exceed \$1,036,461.75 to operate the JBCT program on behalf of the Sheriff's Office for the period of July 1, 2024 through March 31, 2025. The Sheriff's Office is actively working on a request for proposals (RFP) for jail health and mental health care services and is expected to award a new Agreement to a prospective bidder in early 2025 with contract services expected to begin on April 1, 2025. As part of this RFP, the Sheriff's Office will likely include both JBCT and EASS programs in addition to health and mental health care services at both jail facilities.

In communications with CHRS, it has been indicated that each jail facility within the County is eligible to receive \$200,000 per year for Custody services. The Sheriff's Office intends to submit invoices for the full amount of eligible services, however the final approval is at the discretion of DSH. The anticipated revenue associated with EASS was not budgeted for FY2022-23 through FY2024-25. The

Sheriff's Office will submit a BJE for the appropriate reclamation amount once the invoices have been processed and payments have been received.

Key Contract Risks:

The Agreement with DSH, which provides funding to the County to administer the JBCT program, allows DSH to cancel the contract with a 30-day notice. Should DSH cancel the contract, the County could terminate the contract with CHRS with a 30-day notice as well.

Special Instructions:

Clerk of the Board, please send one (1) original copy of the executed Agreements and one (1) copy of the minute order to:

Sheriff's Health Services
C/O Lt. Cassandra Marking
Santa Barbara County Sheriff's Office
4436 Calle Real
Santa Barbara, CA 93110

Attachments:

Attachment A: Agreement #24-79004-000 with State of California Department of State Hospitals

Attachment B: Contractor Certification Clauses

Attachment C: California Civil Rights Laws Attachment

Attachment D: Darfur Contracting Act Certification

Attachment E: Generative Artificial Intelligence (GenAI) Disclosure & Fact Sheet

Attachment F: Agreement with California Health and Recovery Solutions, P.C. (CHRS) for Jail Based Competency Treatment (JBCT) Program

Attachment G: Agreement with California Health and Recovery Solutions, P.C. (CHRS) for Early Access Stabilization Services (EASS)

Attachment H: Memorandum of Understanding between County of Santa Barbara and CHRS for EASS

Authored by:

Ryan Sullivan, Custody Commander – Sheriff's Office